

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed January 12, 2005. Claims 1-13 were pending in the Application prior to the outstanding Office Action. Claims 8-13 are being canceled with prejudice or disclaimer of the invention therein, and claims 1-4 and 7 are being amended. Claims 1-7 remain for the Examiner's consideration. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

I. Examiner Interview

Applicants would like to thank Examiner Versteeg for the telephonic interview with Applicants' representatives Jeffrey Kurin (41,132) and Sheldon Meyer (27,660) on February 8, 2005. During the interview, the 35 U.S.C. §112, first paragraph rejections were discussed.

Specifically, Applicants' representatives proposed a certain amendment to independent claim 1, and the Examiner agreed that such amendment would overcome the 35 U.S.C. §112, first paragraph rejection of claim 1. The suggested amendment has been made to independent claim 1, and similar amendments have made to independent claims 2, 3 and 7, as shown above.

The Examiner and Applicants' representatives also discussed the 35 U.S.C. §112, first paragraph rejection of claim 13, but did not come to an agreement.

Further discussion of the 35 U.S.C. §112, first paragraph rejections are discussed below in Section III.

II. Election/Restriction

In the Office Action it was stated that claims 9-12 were withdrawn from consideration as being directed to a non-elected invention. In order to expedite issuance of a patent, Applicants are canceling claims 9-12 without prejudice or disclaimer of the inventions therein.

III. CLAIM REJECTIONS UNDER 35 U.S.C. § 112

Claims 1-8 and 13 were rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. While Applicants believe that there is at least inherent support for these claims, in order to expedite issuance of a patent, independent claims 1, 2, 3 and 7 have been amended in the manner discussed (with regards to claim 1) during the Examiner Interview. Accordingly, Applicants respectfully request that the 35 U.S.C. §112, first paragraph rejection of claims 1-7 be withdrawn.

With regards to claims 8 and 13, Applicants believe that there is clearly support in the specification and drawings for claiming "in an upper portion" (found in claim 8) and "opening in said housing" (found in claim 13). Applicants do not believe that the claims need to be limited to the specific embodiment shown in the figures. Nevertheless, in order to expedite issuance of a patent that includes claims 1-7, Applicants are canceling claim 8 and 13 without prejudice or disclaimer of the inventions therein. Applicants reserve the right to pursue all of the claims currently being canceled in one or more continuing application.

IV. DOUBLE PATENTING

It was stated in the Office Action claim that should claim 4 be found allowable, claim 5 will be objected to under 37 C.F.R. 1.75 as being a substantial duplicate thereof. Applicants do not agree with this assertion. However, to expedite issuance of a patent, claim 4 has been amended to include additional features. Thus, claims 4 and 5 should now clearly not be duplicative.

V. INFORMATION DISCLOSURE STATEMENT

It was stated in the Office Action that FR 269059 was not considered, since the Examiner did not find a copy of it in the parent application. Accordingly, Applicants have attached a copy of FR 269059 hereto (along with an English translation of the abstract) and request that it be considered.


VI. CONCLUSION

In light of the above, it is respectfully requested that all outstanding rejections be reconsidered and withdrawn. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this reply, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 2/10/05

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